

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

January 31, 2007

1:08 p.m.

MEMBERS PRESENT

Representative Jay Ramras, Chair
Representative Nancy Dahlstrom, Vice Chair
Representative John Coghill
Representative Bob Lynn
Representative Ralph Samuels
Representative Max Gruenberg
Representative Lindsey Holmes

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 7

"An Act relating to false caller identification."

- HEARD AND HELD

HOUSE BILL NO. 25

"An Act relating to landowners' immunity for allowing use of land without charge for a recreational activity; relating to landowners' liability where landowner conduct involves gross negligence or reckless or intentional misconduct; relating to claims of adverse possession and prescriptive easements, or similar claims; and providing for an effective date."

- HEARD AND HELD

HOUSE BILL NO. 93

"An Act relating to release in domestic violence cases."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 7

SHORT TITLE: FALSE CALLER IDENTIFICATION

SPONSOR(S): REPRESENTATIVE(S) LYNN, GARDNER

01/16/07 (H) PREFILE RELEASED 1/5/07
 01/16/07 (H) READ THE FIRST TIME - REFERRALS
 01/16/07 (H) JUD
 01/22/07 (H) JUD AT 1:00 PM CAPITOL 120
 01/22/07 (H) Scheduled But Not Heard
 01/24/07 (H) JUD AT 1:00 PM CAPITOL 120
 01/24/07 (H) Heard & Held
 01/24/07 (H) MINUTE(JUD)
 01/31/07 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 25

SHORT TITLE: RECREATIONAL LAND USE LIABILITY/ADV. POSS
 SPONSOR(S): REPRESENTATIVE(S) SEATON, WILSON

01/16/07 (H) PREFILE RELEASED 1/5/07
 01/16/07 (H) READ THE FIRST TIME - REFERRALS
 01/16/07 (H) RES, JUD
 01/24/07 (H) RES AT 1:00 PM CAPITOL 124
 01/24/07 (H) Moved Out of Committee
 01/24/07 (H) MINUTE(RES)
 01/25/07 (H) RES RPT 8DP
 01/25/07 (H) DP: GUTTENBERG, EDGMON, SEATON,
 KAWASAKI, WILSON, ROSES, JOHNSON, GATTO
 01/31/07 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

CLYDE (ED) SNIFFEN, JR., Assistant Attorney General
 Commercial/Fair Business Section
 Civil Division (Anchorage)
 Department of Law (DOL)
 Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 7 and responded to questions.

DIRK MOFFATT, Staff
 to Representative Bob Lynn
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: During discussion of HB 7, responded to a question on behalf of Representative Lynn, one of the bill's prime sponsors.

SONIA SUBANI, Intern
 AARP
 Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 7 on behalf of both herself and the AARP.

RODNEY DIAL, Lieutenant, Deputy Commander
A Detachment
Division of Alaska State Troopers
Department of Public Safety (DPS)
Ketchikan, Alaska

POSITION STATEMENT: Responded to questions during discussion of HB 7.

REPRESENTATIVE PAUL SEATON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Speaking as one of the bill's prime sponsors, introduced HB 25 and responded to questions.

KATIE SHOWS, Staff
to Representative Paul Seaton
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: During discussion of HB 25, responded to questions and comments on behalf of Representative Seaton, one of the bill's prime sponsors.

ACTION NARRATIVE

CHAIR JAY RAMRAS called the House Judiciary Standing Committee meeting to order at [1:08:36 PM](#). Representatives Samuels, Lynn, Holmes, Gruenberg, Dahlstrom, Coghill, and Ramras were present at the call to order.

HB 7 - FALSE CALLER IDENTIFICATION

[1:09:17 PM](#)

CHAIR RAMRAS announced that the first order of business would be HOUSE BILL NO. 7, "An Act relating to false caller identification."

[1:09:43 PM](#)

CLYDE (ED) SNIFFEN, JR., Assistant Attorney General, Commercial/Fair Business Section, Civil Division (Anchorage), Department of Law (DOL), after relaying that his primary responsibilities include enforcement of Alaska's consumer protection and antitrust laws, said that the DOL has reviewed

HB 7, doesn't see any legal problems with it, and supports it. With regard to the issue of enforcing HB 7, he said that it would be difficult for the DOL to positively enforce it unless specific resources were relegated to that task; however, the DOL's hope in having such legislation enacted is that consumers being subjected to caller ID spoofing can come to the DOL and provide information about the perpetrators so that the DOL could then follow through in getting the conduct stopped. In conclusion, he encouraged the committee to consider giving HB 7 a positive recommendation, adding that he thinks it will do some good.

REPRESENTATIVE HOLMES asked whether changing the mens rea from "knowingly" to "with the intent to defraud or cause harm" would make it harder to prosecute the behavior.

MR. SNIFFEN said it would but only in the sense that the DOL would have to show that someone acted with the specific intent to defraud or cause harm; that is a little higher threshold than just acting knowingly - one can act knowingly without having the intention of causing harm. He surmised that for the kinds of conduct that "spoofers" engage in, a change in mens rea, although perhaps making prosecution a bit more challenging, won't be problem from a practical standpoint because his belief is that most of those who engage in caller ID spoofing are in fact intending to defraud or cause harm to someone.

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REPRESENTATIVE GRUENBERG noted that the bill criminalizes those who use caller ID spoofing cards but not those who sell them, and questioned whether they should make efforts to also criminalize those who sell such cards.

MR. SNIFFEN offered his understanding that most spoof caller ID cards are purchased on the Internet from out-of-state vendors, and he is not sure that the DOL can prohibit the sale of such cards by out-of-state vendors, though it might be a good idea to prohibit the sale of such cards by in-state vendors.

REPRESENTATIVE GRUENBERG clarified that he is questioning whether they should make it illegal to sell spoof caller ID cards in Alaska or sell such cards for use in Alaska. He then asked whether there are legitimate uses of spoof caller ID cards.

MR. SNIFFEN said he suspects that there might be legitimate uses but he doesn't know what they would be.

REPRESENTATIVE COGHILL said he could think of a legitimate use, and offered an example involving his own family wherein one of his sons might wish to have a particular nickname show up on another family member's caller ID equipment. In response to a question, he noted that there is an amendment in members' packets that speaks to the intent to defraud, adding that in his example entering a fictitious name would not be done with the intent to defraud.

CHAIR RAMRAS concurred and mentioned some of the cellular phone technologies currently available that allow one to enter personalized identification information. He surmised that the bill pertains to using false/fraudulent caller identification and won't limit the use of personalized caller identification.

[1:19:24 PM](#)

REPRESENTATIVE DAHLSTROM asked how the public would be notified of the enactment of such legislation and what costs would be associated with that notification.

MR. SNIFFEN relayed that statutory changes pertaining to consumer protection would be posted on the DOL's web site, press releases would be issued, and the DOL would include the new information whenever discussing consumer fraud issues [with the public].

REPRESENTATIVE DAHLSTROM pointed out that one of the bill's fiscal notes mentions a start up cost of approximately \$25,000.

DIRK MOFFATT, Staff to Representative Bob Lynn, Alaska State Legislature, relayed on behalf of Representative Lynn, one of the bill's prime sponsors, that that particular fiscal note came from the Department of Public Safety (DPS) and is indeterminate.

REPRESENTATIVE LYNN said that to the best of his knowledge, spoof caller ID cards are sold outside of Alaska. He suggested that telephone companies could also play a part in informing the public by placing information regarding the new law in telephone books.

REPRESENTATIVE COGHILL asked whether there have been any complaints of caller ID spoofing in Alaska.

MR. SNIFFEN said the DOL has not yet received complaints specific to spoof caller ID cards but has received identity theft complaints, and the DOL suspects that some instances of identity theft occur because callers are able to obtain personal information using caller ID spoof technology.

REPRESENTATIVE COGHILL asked how the prosecution of someone arrested for committing the proposed crime might unfold, particularly given that the bill only provides that the behavior will be a class B misdemeanor and thus might be "pled down."

MR. SNIFFEN said that the Commercial/Fair Business Section would put the necessary information together and present it to the criminal division of the DOL, adding that he shares the concern regarding the level of interest there is in prosecuting class B misdemeanors. He said he would leave it to a representative from the criminal division to explain the prosecution side of things.

REPRESENTATIVE GRUENBERG referred to an article in members' packets by "Contact Center Today" that recounts that a company that has developed a caller ID spoofing system has claimed that it intends to market its product solely to collection agencies, private investigators, and police; however, the article then goes on to say that the potential for abuse by collection agencies and private investigators is huge. House Bill 7 currently only provides an exemption for law enforcement agencies of the federal government, the state government, a municipality, or intelligence or security agencies of the federal government. He asked whether the exemption should be expanded.

MR. SNIFFEN expressed concern about exempting collection agencies and private investigators because of their potential to abuse caller ID spoofing technology.

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SONIA SUBANI, Intern, AARP, relayed that the AARP has submitted a letter of support for HB 7, and emphasized that older people are more likely to be subjected to scams and illegal, inappropriate phone calls because they are home alone [during the day] more often than any other age group. The AARP feels that HB 7 will benefit its memberships, and urges the committee to support it. She noted that she, herself, has been the victim of caller ID spoofing. She didn't appreciate having someone intentionally trick her caller ID mechanism, particularly given

that the whole point of having caller ID is to know who is calling so that the receiver can then decide whether to answer the phone; she didn't find it funny having someone pretend to be someone else in order to get personal information from her. She added that she personally supports HB 7, and urged its passage from committee.

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RODNEY DIAL, Lieutenant, Deputy Commander, A Detachment, Division of Alaska State Troopers, Department of Public Safety (DPS), in response to questions, indicated agreement that perhaps the term on page 1, line 7, ought to be changed to say, "a state government", given that caller ID spoofing technology may well be used by the law enforcement agencies of another state to aid in a successful prosecution; and agreement, with regard to language on page 1, line 9, that other states could well have security agencies, and so perhaps that language could be changed to say, "intelligence [agencies] of the federal government or security agencies of the federal government or a state". In response to other questions, he said he suspects that the commissioner of the DPS would not be in favor of allowing private investigators to use caller ID spoofing technology, and that he would be willing to ask the commissioner how he feels about the issue of licensing private investigators.

CHAIR RAMRAS, upon determining that no one else wished to testify, closed public testimony on HB 7.

[1:36:00 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 1, changing "the state" to "a state" on page 1, line 7.

REPRESENTATIVE COGHILL objected for the purpose of discussion.

REPRESENTATIVE GRUENBERG, in response to a question, indicated that someone who is exempted from the bill could simply assert his/her exemption as an affirmative defense.

REPRESENTATIVE COGHILL removed his objection.

CHAIR RAMRAS asked whether there were any further objections to Amendment 1. There being none, Amendment 1 was adopted.

LIEUTENANT DIAL, in response to a question, said he is not aware of states having intelligence agencies.

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 2, to change page 1, line 9, to read, "intelligence agencies of the federal government or security agencies of the federal government or a state government".

REPRESENTATIVE COGHILL objected, and opined that those agencies are already covered under the term, "law enforcement agencies" and would be working under the auspices of some law enforcement agency. He characterized Amendment 2 as unnecessary, and asked what a security agency in Alaska could be doing that would fall outside the scope of law enforcement authority.

LIEUTENANT DIAL said he tended to agree that the language on lines 7 and 9 - as currently written - cover everyone that would need to be exempted from HB 7.

REPRESENTATIVE GRUENBERG argued, though, that intelligence agencies are not law enforcement agencies. In response to a comment, he pointed out that Amendment 2 [and the language currently on line 9] is referring to governmental agencies, not private agencies.

REPRESENTATIVE COGHILL offered his belief that such agencies would still be collaborating with law enforcement and thus working under the auspices of law enforcement.

LIEUTENANT DIAL, in response to a question, concurred with Representative Coghill [on that point].

REPRESENTATIVE GRUENBERG offered his belief that intelligence agencies - for example, the Central Intelligence Agency (CIA) - often do things without involving law enforcement, and he wants to ensure that people "who are under deep cover" are not criminalized by the bill.

REPRESENTATIVE COGHILL said he would be maintaining his objection to Amendment 2.

REPRESENTATIVE GRUENBERG withdrew Amendment 2.

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REPRESENTATIVE LYNN made a motion to adopt Amendment 3, labeled 25-LS0057\A.1, Bannister, 1/30/07, which read:

Page 1, line 4:

Delete "knowingly"

Page 1, line 5, following "system":

Insert "with the intent to defraud or cause harm"

Page 1, line 10:

Delete "knowingly"

Page 1, line 11, following "system":

Insert "with the intent to defraud or cause harm"

Page 2, line 4:

Delete ";"

Insert "."

Page 2, line 5:

Delete all material.

REPRESENTATIVE LYNN indicated that Amendment 3 would change the mens rea from "knowingly" to "with the intent to defraud or cause harm". In response to a comment, he noted that testimony from Mr. Sniffen indicated that although Amendment 3 would make it more difficult to prosecute the behavior outlined in the bill, it would not do so to a significant degree.

MR. SNIFFEN concurred, and pointed out that the change proposed by Amendment 3 would also allow for the permissible use of such technology. In response to a question involving a hypothetical example, he offered his belief that under Amendment 3, caller ID spoofing technology could legitimately be used as long as its use was not intended to defraud or cause harm.

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REPRESENTATIVE SAMUELS asked whether the use of caller ID spoofing technology by a bill collector would be considered defrauding someone if the goal was to purposely trick that person into answering the phone.

MR. SNIFFEN said his initial thought is that the use of such technology by a bill collector would not be defrauding the person if that person owes a legitimate debt, and thus that use would be exempted from the bill. In response to a question, he said he is not sure whether the term, "defraud" is defined in statute.

LIEUTENANT DIAL said that his understanding of the phrase, "with intent to defraud" means to obtain a benefit to which the person is not entitled to, adding that that is the meaning which the Division of Alaska State Troopers uses.

REPRESENTATIVE GRUENBERG concurred, and characterized an attempt to collect a bill as an attempt to collect a justly due and owing debt - thus there would be no intent to defraud.

REPRESENTATIVE HOLMES objected to Amendment 3 for the purpose of [continued] discussion.

MR. SNIFFEN opined that Representative Gruenberg's summation is correct - a debt collector attempting to collect a legitimate debt would not be committing fraud when using caller ID spoofing technology.

LIEUTENANT DIAL agreed.

REPRESENTATIVE HOLMES removed her objection.

CHAIR RAMRAS, upon determining that there were no further objections to Amendment 3, announced that Amendment 3 was adopted.

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REPRESENTATIVE LYNN made a motion to adopt Amendment 4, labeled 25-LS0057\A.2, Bannister, 1/31/07, which read:

Page 1, line 11, following "misdemeanor.":

Insert "Each time a person knowingly inserts false information into a caller identification system constitutes a separate violation under this section."

CHAIR RAMRAS relayed that there was an objection for the purpose of discussion.

REPRESENTATIVE GRUENBERG suggested that the wording be changed such that a violation wouldn't occur unless the call is completed.

CHAIR RAMRAS characterized that suggestion as a possible amendment to Amendment 4.

REPRESENTATIVE SAMUELS observed that the drafter will have to fix Amendment 4 to reflect the fact that Amendment 3 deleted the

term "knowingly" from the bill. He then sought clarification that Amendment 4 would make each insertion of the false information a violation rather than each call made after the false information was inserted. In other words, if he were working at a call center and entered false information into the system once and then made 1,000 calls, it would be just one offense.

LIEUTENANT DIAL said that is his understanding. In response to another question, he said that a class B misdemeanor generally carries a maximum jail sentence of 90 days.

REPRESENTATIVE HOLMES added that a class B misdemeanor also carries a maximum fine of \$2,000.

REPRESENTATIVE DAHLSTROM, with regard to call centers, asked whether it would be the company itself that would be charged with the crime, or the employee who entered the false information.

REPRESENTATIVE LYNN said he did not know.

REPRESENTATIVE COGHILL observed that the statutory definition of person includes corporations, and surmised that the "person" - whether a company or an individual - responsible for the behavior would be the one charged with the crime.

REPRESENTATIVE DAHLSTROM offered her understanding that when folks are hired at call centers they may be reading a script after just pushing a button and so may not be inserting a number at all, and suggested, therefore, that the point of who gets charged with a violation should be clarified.

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REPRESENTATIVE HOLMES offered, though, that the employee in those situations won't have the intention to defraud or cause harm and might not even be aware that false information was being sent out. She then concurred that the bill is a little unclear on the point of who would be charged.

CHAIR RAMRAS observed that Amendment 4 has some construction problems, both with regard to the term, "knowingly" and with regard to not being clear about who would be in violation under certain circumstances.

REPRESENTATIVE COGHILL offered his understanding that the intention of Amendment 4 ought to have been to make each call received a violation, and yet Amendment 4 currently refers only to the person making the call.

REPRESENTATIVE GRUENBERG expressed an interest in having input from the industry.

CHAIR RAMRAS encouraged Representative Gruenberg to seek out that input.

REPRESENTATIVE SAMUELS asked Representative Lynn whether he wants the entering of the information to constitute the violation or the making of the separate calls to constitute separate violations.

REPRESENTATIVE LYNN said, "I'm perfectly happy with it just to be one call," adding that he would be amenable to withdrawing Amendment 4.

REPRESENTATIVE GRUENBERG opined that it could be cost prohibitive to prosecute, for example, thousands of calls as just one class B misdemeanor, and suggested that a balance could be arrived at by making the number of violations dependent upon the number of calls being made. One person using caller ID spoofing technology to harass a former spouse, for example, is quite different than a commercial operation using such technology and making thousands of calls.

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CHAIR RAMRAS surmised that as currently written, Amendment 4 doesn't seem to quite fit members' intentions.

REPRESENTATIVE LYNN withdrew Amendment 4.

REPRESENTATIVE SAMUELS again asked whether the language currently on page 1, lines 10-11, means that only one violation would occur each time the false information is entered regardless of how many phone calls are then made using that information. And if the current language does mean that, is that the sponsor's intention?

REPRESENTATIVE LYNN agreed to clarify that point via a future amendment.

REPRESENTATIVE COGHILL asked that more information regarding the technical aspect of caller ID spoofing technology be provided the committee.

CHAIR RAMRAS relayed that HB 7, as amended, would be set aside.

HB 25 - RECREATIONAL LAND USE LIABILITY/ADV. POSS

[2:05:57 PM](#)

CHAIR RAMRAS announced that the final order of business would be HOUSE BILL NO. 25, "An Act relating to landowners' immunity for allowing use of land without charge for a recreational activity; relating to landowners' liability where landowner conduct involves gross negligence or reckless or intentional misconduct; relating to claims of adverse possession and prescriptive easements, or similar claims; and providing for an effective date."

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REPRESENTATIVE PAUL SEATON, Alaska State Legislature, one of the bill's prime sponsors, said that HB 25 will raise the standard of liability for private landowners who provide free public access to their land for recreational use. Additionally, that free public access cannot be used as the basis for a claim of adverse possession or prescriptive easement. House Bill 25 is intended to expand the recreational opportunities of Alaskans while also protecting the landowner; however, a landowner will not be protected by the bill if he/she either charges for access or is guilty of intentional, reckless, or grossly negligent conduct. He then offered some examples of situations that he believed might be construed as intentional misconduct or grossly negligent conduct. Although there is some protection under current statute for owners of unimproved land, what constitutes unimproved land, he opined, is ambiguous; for example a hayfield that hasn't been used for 20 years could still be considered improved land and thus the owner of that hayfield would not be protected under current statute. In conclusion, he relayed that members' packets contain numerous letters of support for HB 25 and similar past legislation.

REPRESENTATIVE COGHILL asked whether the bill is meant to cover corporately-owned private land.

REPRESENTATIVE SEATON said that any land held privately would be covered under the bill as long as the landowner allows free access, but any state or municipal land would not be covered.

REPRESENTATIVE GRUENBERG referred to page 1, lines 9-10, which says in part, "A landowner that directly or indirectly allows a recreational activity on the landowner's land without charge", and asked whether the bill would cover a landowner that either doesn't allow or doesn't knowingly allow recreational activity. For example, would there be immunity for the landowner who prohibits the use of his/her land, and, if not, should there be?

REPRESENTATIVE SEATON offered his belief that the language "indirectly allows" would cover landowners that don't knowingly allow a recreational activity. With regard to the landowner who specifically prohibits use of his/her land, he offered his belief that that landowner would have other legal remedies available. House Bill 25 is only meant to cover landowners that do allow free public access.

REPRESENTATIVE GRUENBERG offered his understanding that the phrase, "indirectly allows" refers to someone who "doesn't prevent", and suggested that alternative language might be clearer. He said he is concerned about a situation in which a trespasser injures himself/herself and the landowner who prohibits the use of his/her land would end up having a higher standard of duty than the landowner who allows free use of his/her land; that is not a fair situation for the [first] landowner to be in.

REPRESENTATIVE SEATON reiterated his belief that the former landowner would have other legal remedies available to him/her, adding that the bill was not designed to address the issue of trespass.

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REPRESENTATIVE SAMUELS relayed that on his [recreational] property he has "No Hunting" and "No Trespassing" signs, that he's not there very much, that he knows that people ride their horses and ski on his land, and that he doesn't really care that they do - it doesn't bother him at all. He asked whether, even though he's posted signs and thus those people technically are trespassing, he is "indirectly" allowing people to use his property because he's not there often and he doesn't care that people are using his property. In his situation, he asked,

would he be immunized under the bill or would he have no immunity because those people are trespassing.

REPRESENTATIVE GRUENBERG surmised that it would be the latter - Representative Samuels would not be immunized under the bill.

REPRESENTATIVE SEATON said he doubts that Representative Samuels has posted adequate signage from a legal standpoint, suggested that the issue of liability for landowners who prohibit the use of their land ought to be addressed in a separate bill, and opined that unless Representative Samuels is enforcing his "no hunting" and "no trespassing" wishes, he is, in effect, allowing use of the land.

REPRESENTATIVE SEATON, in response to comments, said he has researched the attractive-nuisance doctrine, paraphrased portions of a March 31, 2006, Legislative Legal and Research Services memorandum discussing that issue, and offered his belief that the bill adequately addresses that issue, particularly with regard to recreational activity.

The committee took an at-ease from 2:22 p.m. to 2:24 p.m.

REPRESENTATIVE SEATON, in response to further comments regarding the aforementioned memorandum, offered his belief that the courts are likely to disregard the attractive-nuisance doctrine, particularly if the bill passes.

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KATIE SHOWS, Staff to Representative Paul Seaton, Alaska State Legislature, on behalf of Representative Seaton, one of the bill's prime sponsors, in response to a question, offered her understanding that the aforementioned memorandum discussed different alternatives as they applied to a similar bill offered in the previous legislature.

REPRESENTATIVE SEATON offered his belief that HB 25 is tailored to supporting recreational use - encouraging landowners to agree to expanding the free use of their private lands - and opined that if the legislature wishes to immunize all private landowners from negligence regardless of whether trespass occurs, it should use a different bill as the vehicle.

CHAIR RAMRAS surmised that Representative Samuels's concern is that HB 25 will result in there being a different standard of liability for those private landowners who refuse to allow

public access - by placing "No Trespassing" signs on one's property, one's rights are thereby lessened.

REPRESENTATIVE SAMUELS concurred with that summation, adding, "If we're going to lower the liability of a property owner, can you lower the liability of the property owner who posts his property as well as somebody who doesn't post his property." He said he agrees with the concept of the bill but would also like to go further.

REPRESENTATIVE SEATON opined that doing so would move away from, and thus defeat, the purpose of the bill. In response to a question, he offered his understanding that HB 25 is identical to legislation that was reported from the House Judiciary Standing Committee in 2006.

REPRESENTATIVE GRUENBERG said he agrees with the concept of the bill and is merely attempting to ensure that there are no technical problems with it.

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MS. SHOWS clarified that the aforementioned memorandum addressed issues discussed internally between the drafter and the sponsor's previous staff.

REPRESENTATIVE GRUENBERG characterized the memorandum as ambiguous on the issue of the attractive-nuisance doctrine, particularly given that the drafter himself said, "It is not clear how the doctrine" would be affected by [that prior] legislation. Representative Gruenberg indicated that he views such statements as red flags, highlighting for him the fact that a particular point ought to be clarified in statute.

REPRESENTATIVE HOLMES said she shares some of the concerns regarding having different standards for those who wish to keep the public off their land, adding that the bill doesn't currently address the statute pertaining to trespass, and that she would like to review that statute to ensure that passage of HB 25 isn't creating a dichotomy. If there is a problem in that regard, the problem might need to be addressed via separate legislation, she remarked.

CHAIR RAMRAS suggested holding the bill over to allow the sponsor time to address members' concerns.

REPRESENTATIVE SAMUELS said he agrees with the intent of the bill, but remarked that it seems odd to have a different liability standard for someone who posts "No Trespassing" signs on his/her property even when he/she is doing so with goal of protecting the public.

REPRESENTATIVE COGHILL offered his understanding that AS 09.65.200 appears to address the issue of liability pertaining to unimproved land, but suggested that members review that provision as well before the bill is heard next.

[HB 25 was held over.]

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:38 p.m.